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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,904	05/31/2001	John A. Nix	MBHB00-581	4629
7590 03/28/2005 McDonnell Boehnen Hulbert & Berghoff 32nd Floor 300 South Wacker Drive Chicago, IL 60606			EXAMINER BLOUNT, STEVEN	
			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,904

Applicant(s)

NIX ET AL.

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 – 14, 16 – 21, and 69 – 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,819,664 to Jeong in view of U.S. patent 6,751,652 to Thomas.

With regard to claim 1, Jeong teaches a call handler 501 for translating a call request from a non-native protocol to a native protocol. See figure 5 (also front of patent) and note member 501. See also col 4 lines 20+ (gateway modules 310) and also note the discussion of the call signal converting unit 407 (figure 4) used to convert ring signals (ie, call requests) between the circuit switched protocol with which they are associated (ie, native) to a non-native protocol (ie, the network protocol mentioned in line 46). Jeong does not, however, teach a call director which determines whether the call request is authorized.

Thomas teaches the use of a proxy server which, in combination with a "clearinghouse service", determines if a call (set-up) request is authorized. See col 2 lines 1 – 30.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Jeong with a means for authorizing the user of the telephony

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system in Jeong, in light of the teachings of Thomas, in order to provide a secure system.

With regard to the following claims (hereinafter referred to as "CI", note the following: CI 3: the call handler in Jeong would be launched if authorized; CI 4: Ethernet is mention in col 4 line 25; CI 5: TCP is mentioned in col 4 lines 45+; CI 6: IP address is mentioned in col 4 line 43; CI 7: H.323 is mentioned in col 6 line 15; CI 8: protocol stacks would be necessary to implement the invention; CI 9: The gateway modules discussed in col 4 lines 35+ are master/slave; CI 10: see the discussion of the rejection of claim 1, and further note the use of a user device 605 interface in figure 6; CI 11 – 13: see the rejections above.

Claim 14: call server: see the discussion of the operation of the proxy server above; proxy server: the proxy server in Thomas selects the gateway, as discussed in col 9 line 38; front end server: front end server: Thomas teaches that the proxy server receives a set-up request in col 2 lines 1+, wherein it would be obvious to one of ordinary skill in the art to combine all three of the claimed servers into 1, as taught in Thomas, in order to simplify and economize the construction; CI 16: the use of a database is implied in col 5 lines 15+ of Jeong (address tables); CI 17: see discussion of the call server above; CI 18: see the rejections above where the servers are discussed; CI 19: the non - native protocol is a subset of the native protocol; CI 20: see discussion of H.323 above; CI 21: a database would be obvious to implement the selection of a gateway as described in Thomas in col 5 lines 48+.

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CI 69: see the rejection of claim1, and particularly the discussion of authorization and protocol conversion above; CI 70: see col 4, lines 40+ and col 8 lines 35+ of Jeong; and col 5 lines 23+ of Thomas; CI 71: The examiner believes that sending an unauthorized message if someone is not authorized is obvious; CI 72: see the rejections above; CI 73: see col 8 lines 20+; CI 74: acknowledgement is taught in col 6 lines 10+, and it would be obvious to acknowledge the user device as well as the proxy; CI 75 – 76: server monitoring services and disconnecting at a source/target device are well known in the art.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,819,664 to Jeong in view of U.S. patent 6,751,652 to Thomas as applied above to claims 1, 3 – 14, 16 – 21, and 69 - 76, and further in view of U.S. patent 6,282,275 to Gurbani et al.

Jeong/Thomas teach the invention as described with respect to claim 1, but do not teach the use of a call log. This is taught in Gurbani et al. It would be obvious to use a call log in Jeong/Thomas in light of Gurbani et al in order to keep track of the users.

4. Claims 27 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,819,664 to Jeong in view of U.S. patent 6,360,366 to Heath et al.

With regard to claim 27, Jeong teaches the invention as described above, but does not teach a call client downloadable to a user device. This is taught in Heath et al. It would be obvious to use a downloadable client in Jeong in light of the teachings of Heath in order to provide a system which is upgradeable. With regard to claims 28 – 29, see the rejections above.

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5. Claims 15, 22 – 24, 26, 32 – 48, 54 – 67, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,819,664 to Jeong in view of U.S. patent 6,751,652 to Thomas as applied to claims 1, 3 – 14, 16 – 21, and 69 - 76 above, and further in view of U.S. patent 6,618,761 to Munger et al.

With regard to claims 15 and 22, Jeong/Thomas teach the invention as described above, but do not teach the use of a load balancer to select the call server. This is taught in Munger. See the abstract. The use of a load balancer in Jeong/Thomas would be obvious in light of Munger in order to promote efficient network utilization.

With regard to claims 22 – 24 and 26, see the rejections above.

With regard to claim 32, note that the process of “selecting a call server” would be obvious in view of Munger et al in order to provide proper load balancing.

With regard to claims 33 – 34, see the discussion of gateway selection in Thomas.

With regard to claims 35 – 38, the use of a web server is taught in col 6 lines 50+ of Thomas.

With regard to claims 39 – 44, each of these limitations is shown in figure 2 of Jeong.

With regard to claims 45 – 48, Java is a well known language associated with the web, codecs are taught in Jeong, and a gui would be commonly associated with a Java system.

With regard to claims 54 – 63, see the rejections above, especially with respect to the rejections made in view of Jeong/Thomas.

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With regard to claims 64 – 67, see the discussion of gateway selection in Thomas.

With respect to claim 68, PSTN is taught in Jeong.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,819,664 to Jeong in view of U.S. patent 6,751,652 to Thomas and U.S. patent 6,618,761 to Munger as applied to claims 15, 22 – 24, 26, 32 – 48, and 54 - 68, and further in view of U.S. patent 6,360,366 to Heath.

Jeong/Thomas/Munger teach the invention as described above, but do not teach the use of a call log. This is taught in Heath et al. See the discussion above. The use of a call log in Jeong/Thomas/Munger would be obvious in light of Heath et al in order to provide a means to monitor the system.

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over obvious over U.S. patent 6,819,664 to Jeong in view of U.S. patent 6,360,366 to Heath et al as applied to claim 29, and further in view of U.S. patent U.S. patent 6,618,761 to Munger.

Jeong/Heath teach the invention as described above, but do not teach a load balancer. This is taught in Munger. The use of a load balancer in Jeong/Munger would be obvious to promote efficient network utilization.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over obvious over U.S. patent 6,819,664 to Jeong in view of U.S. patent 6,360,366 to Heath et al as applied to claim 27, and further in view of U.S. patent 6,751,652 to Thomas.

Jeong/Heath teach the invention as described above, but do not teach a proxy server. This is taught in Thomas. The use of a proxy server in Jeong/Heath would have been obvious in light of the teachings of Thomas in order to promote network security.

9. Claims 49 – 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,819,664 to Jeong in view of U.S. patent 6,751,652 to Thomas and U.S. patent 6,618,761 to Munger et al as applied to claims 15, 22 – 24, 26, 32 – 48, and 54 – 68 above, and further in view of U.S. patent 6,282,275 to Gurbani et al.

With regard to claim 49, Jeong/Thomas/Munger teach the invention as described above, but do not teach the use of a logger. This is taught in Gurbani et al as described above. It would be obvious to use a logger in Jeong/Thomas/Munger in light of Gurbani in order to provide security and a way to monitor the system.

With regard to claim 50, see the display in box 410 of figure 4.

With regard to claim 51, the active calls can be monitored.

With regard to claim 52, see col 5 line 25 of Gurbani et al.

With regard to claim 53, see col 2 line 60 of Gurbani et al (call launch).

10. Claims 77 – 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO publication 00/76107 to Ress.

With regard to claim 77, Ress teaches sending control signaling and converting it from a non-native to a native format through a packet network 106 where the conversion takes place, where the signaling data is an obvious form of call control data; and wherein the media is sent according to the native format.

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CI 78: a call request is made; CI 79: the control data gets sent to the gateway in the native protocol after conversion; CI 80: voice data is used; CI 81: the gateway forwards the media to a target device; CI 82 – 84: see the use of an RTP address on page 16; CI 85: an IP address is mentioned on page 28 lines 20+; CI 86: see the discussion above, especially as it relates to signaling data being an obvious form of call control data, and note that media being sent in a non-native protocol is taught on page 15, lines 15 – 25; note also the protocol conversion discussed in *Reiss* in the abstract; with regard to claims 87 – 91, see the rejections above.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571-272-3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ajit Patel
Primary Examiner

SB
SB

3/15/05